REMARKS

Claims 1-27 are pending. Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA in view of U.S. Patent No. 5,748,980 to Lipe et al.

Reconsideration is requested. No new matter is added. Claims 1, 11, and 21 are amended. Claims 3 and 13 are canceled. The rejections are traversed. Claims 1-2, 4-12, and 14-27 remain in the case for consideration.

INTERVIEW SUMMARY

On December 22, 2003, the undersigned held an interview with Examiners Siddiqi and Follansbee regarding claims 1, 11, and 21 with respect to the Lipe reference. The undersigned presented arguments why the invention should be patentable over the prior art. Examiners Siddiqi and Follansbee requested time to consider the arguments.

On December 23, 2003, the undersigned held a second interview with Examiners Siddiqi and Maung. Examiner Maung agreed that the prior art did not teach binding the virtual device to the parent device, but suggested that the claims be amended to emphasize the distinguishing features: specifically, that the request, while coming from the parent device, appears from the child device's perspective to come from the virtual device (which is a child to the child device). The claims have been so amended, and should therefore be allowable over the prior art.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 1 recites a method for a parent device to access a service of a child device in a driver stack, the method comprising: creating a virtual device; binding the virtual device to the parent device; inserting the virtual device in the driver stack below the child device; and accessing the service of the child device by the parent device with a request, the request appearing to come from the virtual device. Claim 11 is a Beauregard claim similar to claim 1.

Claim 21 recites an apparatus supporting removal of a driver stack, the apparatus comprising: a computer including a hardware component requiring the driver stack; an operating system running on the computer; the driver stack loaded onto the operating system and supporting the hardware component, the driver stack including at least a parent driver and a child driver, the child driver providing a service accessed by the parent driver; a virtual driver bound to the parent driver and installed below the child driver in the driver stack; and a

request from the parent driver to access the service provided by the child driver, the request appearing to come from the virtual device.

In contrast, Lipe teaches a system for configuring a computer. Device information is gathered to uniquely identify devices and device characteristics. Computer resources are allocated to avoid conflicts.

While Lipe mentions "virtual devices," the definition given to "virtual devices" is "a general term describing the network configuration routines of the protocols 404, redirectors 406, and servers 408" (column 383, lines 9-14). This definition is very narrow, and is inconsistent with the use of the term "virtual device" in the application or the claims. Accordingly, Lipe and the application mean different things when using the term "virtual device," despite the congruence of terms.
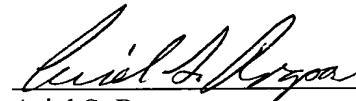
In addition, the Examiner cited to column 402, lines 53-67 as teaching creating a virtual device and binding it to the parent device. But the cited portion of Lipe only describes loading an identified virtual device, which is bound to a hardware device. Accordingly, Lipe does not teach binding the virtual device to a parent device, as claimed.

Finally, Lipe does not teach having a request to use a service of a child device by a parent device appear to be coming from another device in the driver stack, as acknowledged by Examiner Maung in the interview of December 23, 2003. Accordingly, claims 1-2, 4-12, and 14-27 are allowable over the prior art of record.

For the foregoing reasons, reconsideration and allowance of claims 1-2, 4-12, and 14-27 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Ariel S. Rogson
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613
Customer No. 20575